

"Express Mail" Label No. EL 140 089 984 US
Date of Deposit August 14, 2002

PATENT
Attorney Docket No.: 082845-000000US
Client Ref. No.: 131,652 PCT/US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Assistant Commissioner for Patents
Box PCT
Attn: PCT Legal Office
Washington, D.C. 20231

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Solomon Flax

Application No.: 09/830,830

Filed: April 30, 2001

For: PROCESS FOR PRODUCING
METAL-CONTAINING SULFIDE
ORES

PCT Legal Examiners:

Leonard Smith

Rafael Bacares

RENEWED PETITION

UNDER 37 CFR §§1.47(b) AND 1.137(b)

Assistant Commissioner for Patents
Box PCT
Attn: PCT Legal Office
Washington, D.C. 20231

Sir:

In response to the Decision On Petition Under 37 CFR 1.47(b) and 1.137(b) dated July 1, 2002, Applicant provides a Renewed Petition as follows.

Petition Under 37 CFR 1.47(b) - Nonsigning Inventor

To satisfy item (2) under this section of the Decision, Applicant submits a Supplemental Declaration of Gilbert Goller dated August 15, 2002 (Appendix I) stating that Mr. Goller made a bona fide attempt to present a copy of the application papers (specification, including claims, drawings, and declaration) to the nonsigning inventor Dr. Flax for his review and signature, and that after presentation of the complete copy Dr. Flax made an express oral refusal to sign the declaration. It is respectfully submitted that the Supplemental Declaration is factual proof that the inventor has refused to execute the application after Applicant's diligent effort, and thus fully satisfies item (2).

To satisfy item (4) under this section of the Decision, Applicant submits a copy of the assignment of Israel patent application 131,652 from SATEC ECOCHEM LTD. to JOMA CHEMICAL AS (Appendix G). As stated in previously submitted Appendix D, this assignment applies to all related international filings such as the present application. Applicant urges that in conjunction with the originally filed Petition, this assignment establishes that the declaration of Mr. John Omes is in fact a declaration by the Rule 1.47(b) Applicant (JOMA CHEMICAL AS) on behalf of and as agent for the nonsigning inventor, and thus fully satisfies item (4). The law requires nothing more.

Petition Under 37 CFR 1.137(b) - Petition to Revive

To satisfy item (1) under this section of the Decision, Applicant respectfully submits that the declaration of Mr. John Omes is a proper executed declaration under Rule 1.47(b) as discussed above. Thus, a proper reply to the Notice of Missing Parts of May 15, 2001 has been made and item (1) is fully satisfied.

In view of the foregoing, the conditions set forth by 37 CFR §§1.47(b) and 1.137(b) have been fully satisfied. Applicant respectfully submits that JOMA CHEMICAL AS is entitled to make application on behalf of and as agent for the inventor Dr. Flax, and that a proper reply to the Notice of Missing Parts of May 15, 2001 has been made. Grant of the Renewed Petition is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Nathan S. Cassell
Reg. No. 42,396

**DECLARATION UNDER MPEP 409.03(d)
OF GILBERT GOLLER**

Regarding US Patent Application 09/830,830, filed April 30, 2001

I, Gilbert Goller, an Israeli citizen residing at 20 Dan Street Jerusalem 93509 Israel declare that the following comes to supplement my original declaration of November 13, 2001 to include facts which were to me self-evident and which therefore were not included in the original declaration as submitted:

1. On or about December 28, 2000, Dr. Solomon Flax visited the offices of Wolff, Bregman and Goller Patent Attorneys, 19B, Keren Hayesod Street, Jerusalem 94189 ISRAEL, to discuss with me the preparation of a patent application having nothing to do with Satec or Joma.
2. During this visit I made a bona fide attempt to present a copy of the application papers, including the specification, claims, drawings and declaration to Dr. Flax (the non-signing Inventor), for his review and signature and I asked Dr. Flax to execute the forms for US Application 09/830,830 and other forms relating to corresponding cases.
3. In response to my bona fide attempt to present Dr. Flax with a complete copy of the application papers as noted above, Dr. Flax made an express oral refusal to execute the declaration for US application 09/830,830 or any other forms relating to this matter and related cases.
4. Dr. Flax indicated his reason for refusing to sign the applications was because of a dispute which arose with Satec upon the termination of his employ therewith.
5. I am the Patent Attorney who drafted and filed Israel Application 131,652 on August 30, 1999 upon which the above identified US application claims priority and can categorically state from personal knowledge that this application was filed in the name of Satec Ecochem Ltd. as applicant and sole owner listing Dr. Solomon Flax only as the inventor thereof and this with full approval and knowledge of Dr. Solomon Flax and this in accordance with the provisions of Section 132 of the Israel Patent Law providing that an

Appendix I (p. 1 of 2)

2

invention of an employee becomes the property of the employer unless the employer renounces the right thereto.

6. I declare under penalty of perjury of the laws of the United States of America that the forgoing is true and correct.

Executed on August 15, 2002

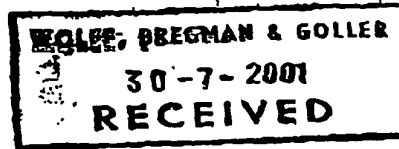
Gilbert Baldy

Appendix I (p. 2 of 2)

17-P.9

Ministry of Justice
Patent Officeמדינת ישראל
STATE OF ISRAELמשרד המשפטים
לשכת הפטנטים

חוק הפטנטים, תשכ"ז - 1967

משרד המשפטים
רשם הפטנטים
לשכת הפטנטים
בירושליםתאריך: 29-07-2001
מס' תיק:

לכבוד
 משרד המשפטים
 לשכת הפטנטים

אדונים נכבדים,

הנדון: בקשה/נות) לפטנט מס' 131652
 פטנטים) מדגם(ים) מס'
 העברת בעלות) שם דיון
 שינוי השם והכתובת של הבעלים
 שינוי שם בעקבות מיזוג
 שינוי במען למסירת הודעות + יפוי כח
 סימוכין: מכתבכם מיום 29/1/01, 6/5/01

- א. ☒ רצ"ב מקור שטר הודעה/מסמך שנושם והוחתם כמות, וימורסם בימון הפטנטים והמבטאים כמבוקש.
 ב. ☒ שינוי השם של בעלי הבקשה(ות)/הפטנטים(ים)/המדגם(ים) וכתובתו כדלקמן:
 שינוי המען למסירת הודעות
 ג. ☒ שרשם כיאות בתיק/פנקס הפטנטים ויפורסם בימון הפטנטים ותמורגמים כמבוקש.
 א. ☒ אוכל לרשום את העברת הבעלות/השינוי במען למסירת הודעות רק לאחר:
 1. ☒ שתשלמו את האגרה הקבועה בסך ש"ח.
 2. ☒ שתגישו יפוי כח מטעם הבעלים החדשים/יפוי כח לטובתכם שיבטל בספרש את יפוי הכח הקודם.
 3. ☒ ששטר החעברה המיוחד בזח יבויל כדין.
 4. ☒ שתגישו ככל שטר מאושר כהצעת נאמן ומבויל כדין.
 5. ☒ שצוינו שם והוחתם ביפוי הכח/בשטר העברה ותמקדו.
 ד. ☒ אותם מתבקשים לחמציא לנו סופס מס' 2 חדש (בשני עותקים) בחתאם לשינוי תגל. כאמ' להלן.
 ת. ☒ חעדות מולמקן מילאנס הכימיה (ינסא) (לרשום)
גם המבטאים והכשיונים (ינסא) (לרשום) "Joma"
כיוון כללם מאמצאם אצל המבטאים לטובתם.
 בברכה,
 סגן רשם הפטנטים

Lev Hagiva Building, Beit Hadehus St. 11, Olvat Shaul.
 P.O.Box 34255, Jerusalem 91341
 טקס: 02-5316764 Fax no.

בנין לב העבדה, ח' בית הדפוס 11, גבעת שאול
 ת"ד 34255, ירושלים 91341
 טל 02-5316666 Tel.

מחשבים שיש להודיע מיום 1/1/2002

G. Goller
 Gilbert Goller, Patent Attorney